



State of New Jersey
DEPARTMENT OF ENVIRONMENTAL PROTECTION
Division of Remediation Management & Response
P.O. Box 413
Trenton, New Jersey 08625-0413

JON S. CORZINE
Governor

LISA P. JACKSON
Commissioner

April 26, 2007

Mr. Joseph Fallon, CHMM
Directorate of Public Works
ATTN: IMNE-MON-PWE
167 Riverside Ave.
Fort Monmouth, NJ 07703

**Re: No Further Action Letter and Covenant Not to Sue
Unrestricted Use
Site CW-4, Building 2537, Former Indoor Pistol Range, Charles Wood Area
Fort Monmouth BRAC Site
Tinton Falls, Monmouth County
Preferred ID: 000000032**

Dear Mr. Fallon:

Pursuant to N.J.S.A. 58:10B-13.1 and N.J.A.C. 7:26C, the New Jersey Department of Environmental Protection (Department) makes a determination that no further action is necessary for the remediation of the area of concern (AOC) specifically referenced above, except as noted below, so long as the Department of the Army did not withhold any information from the Department. In issuing this No Further Action Determination and Covenant Not to Sue, the Department has relied upon the certified representations and information provided to the Department, particularly the following document:

1. Final Remedial Action Report, Site CW-4, dated September 9, 2005, by Versar Inc.

By issuance of this No Further Action Determination, the Department acknowledges the completion of a Remedial Investigation and Remedial Action pursuant to the Technical Requirements for Site Remediation (N.J.A.C. 7:26E) for the CW-4 AOC at the Fort Monmouth Charles Wood Area and no other areas. **The Department considers the areas of soil sample collection and the excavation area depicted on "Figure 6" of the aforementioned Final Remedial Action Report to define the Site CW-4 AOC.** The Department reserves its rights to require any person responsible for the contamination at the site to address Natural Resource Injuries.

NO FURTHER ACTION CONDITIONS

As a condition of this No Further Action Determination pursuant to N.J.S.A. 58:10B-12o, the Department of the Army and any other person who was liable for the cleanup and removal costs, and remains liable pursuant to the Spill Act, shall inform the Department in writing within 14 calendar days whenever its name or address changes. Any notices submitted pursuant to this paragraph shall reference the above case number and shall be sent to: Director, Division of Remediation Management and Response, P.O. Box 28, Trenton, N.J. 08625.

COVENANT NOT TO SUE

The Department issues this Covenant Not to Sue (Covenant) pursuant to N.J.S.A. 58:10B-13.1. That statute requires a Covenant not to sue with each no further action letter. However, in accordance with N.J.S.A. 58:10B-13.1, nothing in this Covenant shall benefit any person who is liable, pursuant to the Spill Compensation and Control Act (Spill Act), N.J.S.A. 58:10-23.11, for cleanup and removal costs and the Department makes no representation by the issuance of this Covenant, either express or implied, as to the Spill Act liability of any person.

The Department covenants, except as provided in the preceding paragraph, that it will not bring any civil action against:

- (a) the Department of the Army, Fort Monmouth;
- (b) subsequent owners of the subject property;
- (c) subsequent lessees of the subject property; and
- (d) subsequent operators at the subject property;

for the purposes of requiring remediation to address contamination which existed prior to the date of the Final Remedial Action Report for the real property at the AOC identified above, payment of compensation for damages to, or loss of, natural resources, for the restoration of natural resources in connection with the discharge on the property, or payment of cleanup and removal costs for such additional remediation.

Pursuant to N.J.S.A. 58:10B-13.1d, this Covenant does not relieve any person from the obligation to comply in the future with laws and regulations. The Department reserves its right to take all appropriate enforcement for any failure to do so.

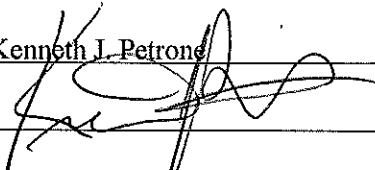
The Department may revoke this Covenant at any time after providing notice upon its determination that any person with the legal obligation to comply with any condition in this No Further Action Determination has failed to do so.

This Covenant, which the Department has executed in duplicate, shall take effect immediately once the person who undertook the remediation has signed and dated the Covenant in the lines supplied below and the Department has received one copy of this document bearing original signatures of the Department and the person who undertook the remediation.

FORT MONMOUTH

By: Joseph M. Fallon
Signature: Joseph M. Fallon
Title: Chief, Environmental Branch
Dated: 6/13/07

**NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION**

By: Kenneth J. Petrone
Signature: 
Title: Section Chief
Dated: 26 April 07

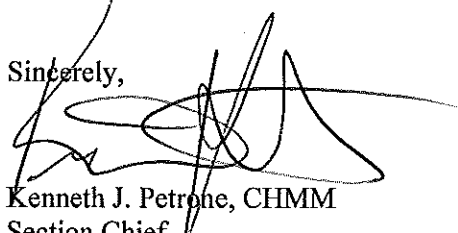
NOTICES

Building Interiors Not Addressed

Please be advised that the remediation that is covered by this no further action determination does not address the remediation of hazardous substances that may exist in building interiors or equipment. As a result, any risks to human health presented by any building interior or equipment remains. A complete building interior evaluation should be completed before any change in use or re-occupancy is considered.

Thank you for your attention to these matters. If you have any questions, please contact Larry Quinn, Case Manager, at 609-633-0766.

Sincerely,


Kenneth J. Petrone, CHMM
Section Chief
Bureau of Case Management

c:

Borough Clerk, Tinton Falls Borough
Monmouth County Health Department
Helen Shannon, USEPA Region II

U.S. Army, Directorate of Public Works
Planning & Environmental Branch
Attn: IMNE-MON-PWE, 173 Riverside Ave.
Fort Monmouth, NJ 07703

TRANSMITTAL

TO:

Gregory Zalaskus,
Case Manager
NJ DEP
Bureau of Case Management
401 E. State St., 5th Fl, West Wing
PO Box 028
Trenton, NJ 08625-0028
Telephone Number: (609) 984-2065

FROM:

Douglas C. Guenther,
Environmental Protection Specialist
Phone: 732-532-0986;
Fax: 732-532-6263; DSN: 992-0986
E-mail:
Douglas.Guenther@Mail1.Monmouth.Army.mil

DATE:

October 13, 2005

URGENT FOR REVIEW PLEASE COMMENT PLEASE REPLY PLEASE RECYCLE

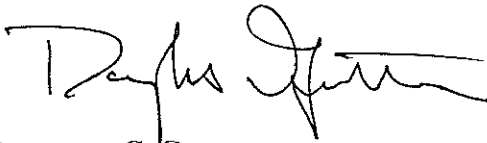
SUBJECT: Document Submittal

Enclosed Please Find:

- (1) Two copies of the *Remedial Action Report, Metal Contamination at Site CW-4*, September 2005, prepared by Versar, Inc.

Greg,

RAR – This is a no further action request for soil at this site. Hope to discuss all submitted soil only reports first. Additional copies are for John Prendergast. Any questions let me know.



DOUGLAS C. GUENTHER
Environmental Protection Specialist
